

**REMARKS**

Claims 1-11, 13-17, 19 and 20 are pending; claims 12 and 18 having been previously canceled..

**Claims 1-11, 13-17, 19 and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by Nortoft et al. (U.S. Patent No. 6,773,848).** The applicant respectfully traverses this rejection for the following reason(s).

**Claim 1**

Claim 1 calls for, in part, *a safety circuit board disposed in an external void within said battery unit, said external void being defined as being in between the first and second secondary battery cells, the safety circuit being electrically connected to the first and second positive electrode terminals and to the first and second negative electrode terminals.*

Nortoft discloses a circuit board 5 disposed between first and second secondary battery cells, however Nortoft fails to disclose:

- A. *an external void within said battery unit, said external void being defined as being in between the first and second secondary battery cells; and*
- B. *a safety circuit board disposed in an external void within said battery unit.*

The Examiner has failed to identify such an external void or show where such a void is

disclosed either in the specification or drawings. Note, *Ex parte Levy*, 17 USPQ2d 1461, 1462 (1990) states:

"it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference."

Nortoft discloses that the circuit board 5 is **sandwiched** in between the cells. In this way, the circuitry on the circuit board is completely protected between the cells. In an alternative arrangement, not illustrated, both cells could be folded on top of the circuit board; again, the circuitry of the board would be protected, though the board itself would have to have a degree of rigidity because its rear surface would be exposed.

Accordingly, there is no void, and no *external* void *in between the first and second secondary battery cells*. And since the circuit board 5 is **sandwiched** in between the cells (two secondary batteries), then there is no teaching of a gap, or void, within which the circuit board is disposed.

Applicant's Fig. 3B shows an external void 49 in between the two secondary batteries 20/30.

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn. See claim 6 also.

## **Claim 2**

Claim 2 calls for *a case body having a space for accommodating one of the first and the*

*second battery bodies; and case cover coupled to the case body to seal the battery body contained within the case body.*

Here, the Examiner refers us to Nortoft's col. 3, line 65 through col. 4, line 5, which states:

FIG. 1 shows a pair of flat electrochemical cells 1, 1' connected in series. The cells, which may be lithium-ion batteries or capacitors, are flat cells housed in flexible packages. The exact design structure of the cells is not relevant to the present application, but they may be as described in U.S. Pat. No. 5,445,856, i.e. flat wound cells housed in a thin foil laminate package.

The disclosed "flexible packages", also disclosed as "a thin foil laminate package" are not disclosed as both a case body and a case cover. The "flexible packages" can be deemed equivalent to the claimed *case body having a space for accommodating one of the first and the second battery bodies*, however there is no disclosed *case cover coupled to the case body to seal the battery body contained within the case body*.

Accordingly, the rejection of claim 2 is deemed to be in error and should be withdrawn. See claim 6 also.

### **Claim 3**

Claim 3 calls for each case body to comprise *a flanged portion, the positive and negative electrode terminals perforating the respective case at the flanged portion of the case body*.

Here the Examiner has merely referred to figs. 1b-2b of Nortoft, without identifying that area of the case body deemed to be a *flanged portion*.

Looking to Figs. 1b-2b, we find no element resembling a "flange": A protruding rim, edge, rib, or collar, used to strengthen an object, hold it in place, or attach it to another object.

There is a protruding rim illustrated, however, the case body is disclosed as being flexible and formed of a thin foil laminate. Accordingly, the protruding rim does not strengthen the case body. Nor is it disclosed that the protruding rim is used to hold it in place, or attach it to another object.

Therefore, the protruding rim, which is actually the laminate's sealing point, does not meet any known definition of a "flange".

Accordingly, the rejection of claim 3 is deemed to be in error and should be withdrawn. See claim 7 also.

#### **Claim 5**

Claim 6 requires the first battery bodies be *helically wound positive and negative electrode plates*.

Here the Examiner refers us to Nortoft's Fig. 4e. Fig. 4e is a schematic perspective and partly sectional view of the arrangement of FIG. 4a, in a folded condition; and Fig. 4a is an exploded view of an arrangement of electrochemical cells according to a fourth embodiment of the invention.

There is no disclosure that the electrochemical cells are *helically wound positive and negative electrode plates*, and Fig. 4e does not illustrate *helically wound positive and negative electrode*

*plates.*

Accordingly, the rejection of claim 5 is deemed to be in error and should be withdrawn. See claims 9 and 14 also.

**Claim 10**

Claim 10 also calls for *a case comprising a case body and a cover, the case body being attached to the cover* and is deemed to not be anticipated by Nortoft for the same reasons as claim 2.

Claim 10 includes, in part, *said case body having a flanged portion that mates with said cover, said safety device being disposed in between two separate sections of said flanged portion.*

As noted with respect to claim 3, there are no elements of Nortoft's case body having a flanged portion.

Additionally, there is no *cover* as noted with respect to claim 2.

Further, there is no disclosure of *a flanged portion that mates with said cover, said safety device being disposed in between two separate sections of said flanged portion.* In Nortoft, the circuit board 5 is sandwiched between the battery cells.

Accordingly, the rejection of claim 10 is deemed to be in error and should be withdrawn.

**Claim 17**

Claim 17 is deemed to be patentable over Nortoft for the same reasons discussed above with respect to claims 1, 3 and 10 with regard to the claimed features of the *flanged portion*, the *void* and the *void being external to said sealed case, said safety device being disposed within said void*.

The examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

No fee is incurred by this Response.

Respectfully submitted,



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